

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,	)	
Plaintiff,	)	
	)	
VS.	)	
	)	
KATHLEEN M. DENNEHY,	)	
Commissioner; ROBERT MURPHY,	)	CIVIL ACTION No. 05-11456-DPW
Superintendent; STEVEN FAIRLY, Director	)	
of Security; SUSAN J. MARTIN, Director of	)	
Health Services; GREGORY J. HUGHES,	)	
LICSW; and UMASS CORRECTIONAL	)	
HEALTH PROGRAM, sued in the	)	
individual and official capacities,	)	
Defendants.	)	

**MOTION OF THE DEFENDANT, UNIVERSITY OF MASSACHUSETTS**  
**CORRECTIONAL HEALTH PROGRAM, FOR ENTRY OF SEPARATE**  
**AND FINAL JUDGMENT**

Now comes the defendant, University of Massachusetts Correctional Health Program (“UMCHP”), and by its attorneys moves this Honorable Court for entry of separate and final judgment as to all counts of the complaint alleged by the plaintiff, Sandy J. Battista. As grounds for this motion, UMCHP states that on March 23, 2006, this Honorable Court allowed UMCHP’s motion to dismiss the plaintiff’s complaint as to all counts against it. Under Fed.R.Civ.P. 54(b), UMCHP is entitled to final judgment in its favor, and there is no just reason for delaying the entry of such judgment. Proposed Findings and an Order for Judgment are attached as Exhibits “A” and “B” to the Memorandum in Support of this Motion.

The order of dismissal is an adjudication on the merits, the court did not grant leave to amend, and therefore judgment should enter in favor of UMCHP. Although the plaintiff’s action remains pending against other defendants, the entry of separate and final judgment is appropriate

because no claim for liability against UMCHP remains for determination, any appeal on the issues upon which the dismissal was granted is separable from claims against the other parties, and a prompt appellate resolution of the claims against UMCHP could prevent the need for a retrial involving all the parties.

WHEREFORE, for the foregoing reasons and those set forth in the Memorandum in Support, the defendant, University of Massachusetts Correctional Health Program, respectfully requests that this Honorable Court grant this motion, and enter separate and final judgment in its favor.

Respectfully submitted,

/s/ Anthony R. Brighton

Stephen M. O'Shea, BBO No. 559236

Anthony R. Brighton, BBO No. 660193

Attorney for Defendant, University of

Massachusetts Correctional Health Program

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CERTIFICATE OF SERVICE

I, Anthony R. Brighton, attorney for defendant, University of Massachusetts Correctional Health Program, hereby certify that on this 19<sup>th</sup> day of April 2006, a copy of the foregoing was sent by **first class mail, postage prepaid to:** Sandy J. Battista M 15930, Pro Se Massachusetts Treatment Center, 30 Administration Road, Bridgewater, MA 02324-3230 and Julie A. Baker, Esq., 120 Tremont Street, Suite 370J, Boston, MA 02108 **and a copy electronically forwarded** to Richard C. McFarland, Esq., Department of Corrections Legal Division, 70 Franklin Street, Suite 600, Boston, Massachusetts 02110.

/s/ Anthony R. Brighton  
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